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December 6, 1999 **DOCKET FILE COPY ORIGINAL**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-9768

VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: **Amendment to Petition for Rule Making**

Dear Ms. Salas:

On behalf of Davis Television Clarksburg, LLC, I am transmitting herewith an original and four copies of an amendment to a Petition for Rule Making, filed with the Commission on June 30, 1999, and amended on October 15, 1999, seeking to amend the DTV Table of Allotments to specify Channel 10 in lieu of Channel 28 for transitional DTV use by WVFX(TV), Clarksburg, West Virginia.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Ross G. Greenberg

RGG:rg

Enclosures

cc (w/encl.) (via hand delivery):

Ms. Pam Blumenthal, Mass Media Bureau

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(b))
Table of Allotments, DTV Broadcast Stations)
(Clarksburg, West Virginia))

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

AMENDMENT TO PETITION FOR RULE MAKING

Davis Television Clarksburg, LLC ("Davis Clarksburg"), licensee of Station WVFX(TV), Clarksburg, West Virginia, by its attorneys, hereby amends its Petition for Rule Making (the "Petition"), filed with the Commission on June 30, 1999, and amended on October 15, 1999, requesting that the Commission institute a rule making proceeding to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 10 as the DTV allocation for transitional DTV use by Station WVFX(TV) in lieu of Channel 28, as originally allotted. As set forth in the accompanying supplemental engineering statement prepared by Bernard R. Segal, P.E. (the "Engineering Statement") and herein, the Petition is hereby amended to clarify the public interest benefits of Davis Clarksburg's proposal.

On October 28, 1999, Davis Clarksburg applied for a DTV facilities modification that would maximize service on DTV Channel 28. The Engineering Statement establishes that the operation proposed on Channel 10 in the Petition would result in service to 260,897 more

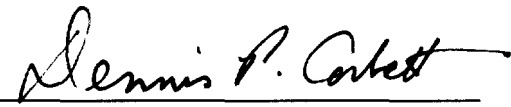
persons in an area that is 7,810 square kilometers larger than would be provided by operation with the maximized facilities on Channel 28 for which Davis Clarksburg has applied. *See* Engineering Statement, p. 2. Furthermore, initial capital costs and continuing operational costs for facilities used to broadcast on Channel 10, a VHF channel, will be much less expensive than facilities necessary to broadcast on Channel 28, a UHF channel, a fact regularly recognized by the Commission. *See* Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Salinas, California), Notice of Proposed Rule Making, MM Docket No. 99-269, RM-9698, DA 99-1592; Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Spokane, Washington), Notice of Proposed Rule Making, MM Docket No. 99-262, RM-9659, DA 99-1420. The savings associated with operations on Channel 10 will provide additional resources for Davis Clarksburg to invest in providing DTV programming. Provision of service to hundreds of thousands more people and significant initial and ongoing cost savings are critical public interest benefits to be gained by allowing Davis Clarksburg's proposed operations on Channel 10.

Davis Clarksburg reiterates its intention to timely file an application specifying the operation of Station WVFX-DT on Channel 10 upon the Commission's grant of the amended Petition and will adhere to all applicable Commission standards for the construction and initiation of operation of its DTV facility.

THEREFORE, for the reasons set forth above, a rule making proceeding should be instituted proposing the amendment of Section 73.622(b) of the Commission's Rules to substitute Channel 10 for Channel 28 in the DTV Table of Allotments for use by Station WVFX(TV).

Respectfully submitted,

DAVIS TELEVISION CLARKSBURG, LLC

By: 
Dennis P. Corbett
Ross G. Greenberg

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December 6, 1999

Its Attorneys

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

**SUPPLEMENTAL ENGINEERING STATEMENT
PREPARED ON BEHALF OF
DAVIS TELEVISION CLARKSBURG, LLC
CLARKSBURG, WEST VIRGINIA**

Davis Television Clarksburg, LLC has a petition pending to modify the DTV Table of Allotments to substitute Ch. 10 for Ch. 28 at Clarksburg, West Virginia, for use for station WVFX-DT. The instant Supplemental Engineering Statement provides additional supporting information for the channel substitution.

The FCC's Ch. 28 reservation is for operation with maximum average effective radiated power of 50 kW and antenna radiation center height above average terrain of 244 meters. However, an application has been submitted for operation on Ch. 28 for maximum average effective radiated power of 1000 kW and antenna height above average terrain of 241 meters. A power of 1000 kW is the maximum that can be proposed for a UHF station. The 41 dBu F(50,90) contour for this maximum power operation is compared in Figure 1 with the 36 dBu F(50,90) contour for the proposed Ch. 10 operation specified in the

pending petition for rulemaking. The proposed Ch. 10 service that could be provided completely encompasses the proposed Ch. 28 service.

The Ch. 28, 1000 kW 41 dBu, F(50,90), contour contains a population of 579,351 persons in an area of 21,040 square kilometers. The Ch. 10, 50 kW, 36 dBu, F(50,90), contour contains a population of 840,248 persons in an area of 28,850 square kilometers. The Ch. 10 facility would afford service to 260,897 more persons in an area that is 7810 square kilometers larger than would be provided by the maximized Ch. 28 proposal. The public interest will be better served with WVFX-DT operating on Ch. 10, as proposed, rather than on Ch. 28.

The contours for the Ch. 10 and Ch. 28 operations for WVFX-DT, as depicted in Figure 1, were calculated in accordance with the FCC's Rules except that in order to better delineate the respective coverages for the directional antennas that are proposed, terrain profiles in 15° increments, were employed rather than in 45° increments. The National Geophysical Data Center (NGDC) 30" terrain elevation database with the data extracted at 0.1 km intervals was used. The contours were calculated using the algorithm developed by EDX. That algorithm employs a replication of the FCC's propagation curves.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

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Davis Television Clarksburg, LLC
Clarksburg, West Virginia

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The population and area determinations were made by computer using the algorithms developed by EDX. The population enumeration methodology establishes which centroids of population for census divisions are included within the specified contour. If the centroid is included, the entire population for the division is included in the enumeration.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 3, 1999.

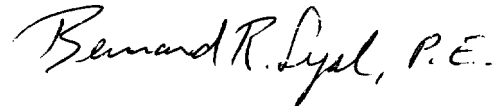

Bernard R. Segal, P.E.

Figure 1

